

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re INTUNIV ANTITRUST LITIGATION

This Document Relates to: *Direct Purchaser  
Actions*

C.A. No. 16-cv-12653-ADB (Direct)

**JOINT STATUS REPORT AND [PROPOSED] ORDER TO EXTEND TIME TO  
RESPOND TO PENDING MOTIONS, PERMIT REPLIES IN SUPPORT OF PENDING  
MOTIONS, AND SCHEDULE STATUS CONFERENCE**

Meijer, Inc. and Meijer Distribution, Inc. (collectively, “Meijer”), proposed intervenor BI-LO, LLC (“BI-LO”), and defendants Shire U.S, Inc. and Shire LLC (collectively, “Shire”), by and through their respective counsel of record, jointly report as follows:

1. The matter before the AAA initiated by Meijer following the Court’s January 2021 Order granting Shire’s Motion to Compel Arbitration (Dkt. # 554) has concluded. The Arbitrator’s ruling held that Meijer’s claims against Shire are arbitrable and that Shire may compel arbitration of Meijer’s claims. A copy of the Arbitrator’s ruling is attached hereto (to be filed under seal) as Exhibit 1.

2. Counsel for Shire and DPPs have agreed to attempt to mediate DPPs’ claims. The parties have scheduled a mediation to occur on September 30, 2022.

3. On July 8, 2022, DPPs filed Motions for the Intervention of BI-LO, LLC (Dkt. # 570), to Vacate the Arbitrator’s Decision (Dkt. # 574), and for Reconsideration of the Court’s Order Denying Meijer’s Motion to be Appointed Class Representative and Granting Shire’s Motion to Compel Arbitration (Dkt. # 577) (collectively, the “Pending Motions”). Shire intends to oppose each of the Pending Motions, and oppositions to those motions are currently due on August 19.

4. To open a small window in which to attempt mediation, the parties have stipulated that oppositions to the Pending Motions shall be, with the Court's approval, extended by 76 days (until November 3), and the plaintiffs shall file replies, if any, by November 21.

5. The parties request that the Court schedule a status conference to occur the week following the parties' mediation (i.e., on October 5, 2022 or on the soonest date thereafter that the parties and the Court can accommodate). The parties will report to the Court on the outcome of their mediation at that time. In the event mediation is unsuccessful, the parties intend to report to the Court on a schedule for a hearing on the Pending Motions, the nature and timing of any other motion practice, and whether a trial date should be set and, if so, for what time period.

NOW, THEREFORE, the parties hereby request that the Court:

- a. extend the deadline to respond to each of the Pending Motion to November 3, 2022;
- b. grant DPPs leave to file replies, if any, in support of the Pending Motions by November 21, 2022; and
- c. schedule a status conference to occur the week following the parties' mediation (i.e., on October 5, 2022 or on the soonest date thereafter that the parties and the Court can accommodate).

Respectfully submitted,

Dated: August 3, 2022

/s/ Joshua S. Barlow

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*Counsel for Plaintiffs Meijer, Inc. and  
Meijer Distribution, Inc. and Additional Counsel  
for the Direct Purchaser Class*

**SO ORDERED**

Dated: \_\_\_\_\_

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Allison D. Burroughs  
U.S. District Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on that this document will be filed through the CM/ECF system and thus will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on August 3, 2022.

Dated: August 3, 2022

/s/ Joshua S. Barlow

Joshua S. Barlow